

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**CENTRAL GEORGIA  
HEALTH SYSTEMS,**

Plaintiff,

v.

**SANDRA YOUNG,**

Defendant.

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: Civil Action No. 5:09-cv-66(HL)  
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**ORDER**

On February 16, 2009, Plaintiff Central Georgia Health Systems filed an action against Defendant Sandra Young seeking to impose a constructive trust or equitable lien on certain monies paid to Defendant by a third party tortfeasor to settle a personal injury claim. Defendant was a participant in the employee benefit plan established by Plaintiff, and after Defendant was involved in an automobile accident, the plan extended medical benefits in the amount of \$35,341.78 on Defendant's behalf. The plan contains a subrogation/right of reimbursement provision under which Defendant granted the plan a first priority lien against, and the first right of reimbursement from, the proceeds of any settlement, verdict, or other amounts received by Defendant paid by a third party tortfeasor. According to Plaintiff's complaint, Defendant has not reimbursed the plan from the proceeds of the settlement as required by the terms of the plan.

On September 8, 2009, Plaintiff filed a Motion to Compel Answers to Plaintiff's Initial Interrogatories Propounded to Defendant. Defendant did not respond to the Motion to Compel. As a result, the Court issued a Show Cause Order on October 8, 2009, directing Defendant to show cause no later than October 13, 2009 as to why her answer should not be dismissed for failure to respond to Plaintiff's interrogatories and Motion to Compel and why she should not be assessed the attorney's fees incurred by Plaintiff in having to file the Motion to Compel. Defendant was warned that if she did not respond to the October 8 Order, her answer would be dismissed and she would be required to pay Plaintiff's attorney's fees relating to the Motion to Compel.

October 13, 2009 has passed, and Defendant has not filed a response to the Show Cause Order. In view of Defendant's complete disregard for the directives of this Court, it is hereby ordered that Defendant's Answer, entered on the docket March 18, 2009 as Doc. 4, is hereby stricken from the record. The Clerk is directed to enter a default as to Defendant in accordance with Rule 55(a) of the Federal Rules of Civil Procedure. The Calendar Clerk is directed to set this matter for a hearing to determine the amount of damages due to Plaintiff, the amount of attorney's fees due to Plaintiff relating to the Motion to Compel, and the appropriateness of the other relief requested by Plaintiff.

**SO ORDERED**, this the 15<sup>th</sup> day of October, 2009.

s/ *Hugh Lawson*  
**HUGH LAWSON, SENIOR JUDGE**

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